

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DATE FILED: 9/23/10

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RANDY BONITO, et al., :

Plaintiffs, :

-against- : ORDER FOR SETTLEMENT CONFERENCE

AVALON PARTNERS, INC. & VINCENT AU, :

Defendants. :

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ANDREW J. PECK, United States Magistrate Judge:

A settlement conference is scheduled for December 2, 2010 at 2:00 p.m. before Magistrate Judge Andrew J. Peck in Courtroom 20D, 500 Pearl Street. Counsel attending the conference must have full settlement authority and their client(s) must be present at the conference, as must a representative of the client's insurance company where the decision to settle and/or amount of settlement must be approved by the insurance company.

On or before November 22, 2010, counsel shall provide a confidential settlement memorandum to my chambers. The memorandum shall not be filed with the Clerk of the Court nor provided to opposing counsel. The memorandum should explain the factual and legal background of the case as it impacts on settlement negotiations; the status of prior settlement discussions between the parties;^{1/} and the party's settlement proposal (range). The latter should be the realistic settlement range of that party, not just the party's "opening bid."

^{1/} The Court requires each side to have made at least one settlement demand/response prior to submission of their settlement memoranda. It is my practice to have only one settlement conference in a case; counsel should confer as much as possible before the conference to make it as meaningful as possible.

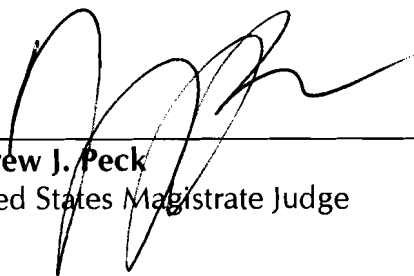
The settlement range in the settlement memorandum will be kept confidential by me and not disclosed to opposing counsel. I strongly suggest that the settlement memorandum not exceed 15 pages (any memorandum in excess of 15 pages must be filed two weeks before the conference).

Also on that same date, counsel shall advise the Court and opposing counsel, by letter, of who the client representative(s) will be (name, position and, if necessary, an explanation of their role). Within two business days, counsel shall bring any concerns as to the client representatives to the Court's attention.

The parties are to follow the "Individual Practices of Magistrate Judge Andrew J. Peck," a copy of which is attached.

SO ORDERED.

DATED: New York, New York
September 23, 2010



Andrew J. Peck
United States Magistrate Judge

Copies by fax & ECF to: Michael D. Palmer, Esq.
Matthew D. Kadushin, Esq.
Michael H. Ference, Esq.
Sameer Rastogi, Esq.
Judge Naomi Reice Buchwald